

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION

MDL No. 2419  
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**THE PLAINTIFFS' STEERING COMMITTEE'S PROPOSED AGENDA  
FOR THE JULY 20, 2017 STATUS CONFERENCE**

The Plaintiffs' Steering Committee ("PSC") proposes the following agenda for the July 20, 2017, status conference (before Judge Zobel at 2:00p.m.). The remaining defendants and the plaintiffs' groups identified below have been given an opportunity to comment on this proposed agenda.

**A. REPORT TO THE COURT**

1. Overall Status of Litigation
  - a. Status Report from the Parties [Dkt. 3397]
    1. Box Hill Surgery Center Opposition [Dkt.3404]
2. Status of payments from Tort Trust
  - a. Status report and update to be provided at July 20, 2017 status conference
    - i. Status Report (May 2017) by Lynne Riley [Dkt. 3393]
    - ii. Status Report – Annual Report of Tort Trustee by Lynne Riley [Dkt. No. 3413]

3. Status of Specialty Surgery cases

*13 cases; Benjamin A. Gastel; Chris Tardio*

- a. Update on mediation
- b. Order Granting in Part and Denying in Part Motion for Judgment on the Pleadings [Dkt. 3377]
- c. Order Denying Motion for Clarification [Dkt. 3381] [Dkt. 3416]
- d. Appeals

*Ben Gastel (PSC); Chris Cain (Plaintiffs Norris and Palmer);*

*Chris Tardio (Defendants)*

i. *Norris v. Specialty Surgery* (17-1003)

ii. *Palmer v. Specialty Surgery* (17-1005)

iii. Mandatory settlement conference stayed pending  
Specialty Surgery mediation

4. *Daugherty* transfer/remand (Case No. 1:14-cv-10430)

*Chris Tardio (defendant)*

- a. PML Order Remanding Case 9/9/16 – Doc. 3084

- b. Judge Zobel's Order Transferring Case and Designating Docket Entries for Transfer 2/8/17 – Doc. 3316

5. Status of Box Hill cases

*8 cases: Patti Kasputys & Michael Coren (Plaintiffs); Greg Kirby (Defendants)*

- a. Notice by Consolidated Plaintiffs re Joint Filing of Summary of

Remaining Cases [Dkt. 3418]

- b. Matters Fully Briefed Pending the Court's Decision:
  - i. Motion for Reconsideration of Suggestion of Remand or Transfer of Box Hill Cases to Maryland and to Establish Venue in Maryland Via 157(B)(5) or 1404(A) [Dkt. 3380]
    - a. Opposition by Consolidated Plaintiffs [Dkt. 3403]
    - b. Reply [Dkt. 3405]
- c. Trial Dates for Box Hill Bellwether Cases: Belinda Dreisch, 14-cv-14029 and Bahman Kashi, deceased, 14-cv-14026

6. Status of directly-filed cases: all have been dismissed or remanded

7. Status of St. Thomas settlement

*Benjamin A. Gastel; Chris Tardio & Yvonne Puig*

- a. Order Granting Motion for Disbursement of St. Thomas Qualified Settlement Fund Administrative Expenses by the PSC [Dkt. 3412] [Dkt. 3417]
- c. Pending Motions (not fully briefed)
  - i. Motion for Distribution of Common Benefit Fees and Expenses Related to Saint Thomas Cases by the PSC [Dkt. 3414]
  - ii. Motion to Seal Memorandum of Law in Support of Motion for Common Benefit Assessment of Saint Thomas Case by the PSC [Dkt. 3415]

**B. FUTURE STATUS CONFERENCES**

1. August 24, 2017, 2:00 p.m.

Dated: July 18, 2017

Respectfully submitted,

**/s/ Kristen A. Johnson**

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*Plaintiffs' Lead Counsel on behalf of the  
Plaintiffs' Steering Committee*

**CERTIFICATE OF SERVICE**

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: July 18, 2017

**/s/ Kristen A. Johnson**  
Kristen A. Johnson (BBO# 667261)